

Ask the US Embassy

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On November 25, 2009, we published an article on the exchange visitor program, and one of the most common uses, the J1 summer work and travel program. We are now beginning to schedule appointment for applicants and wanted to address your questions and remind you of the details of the program.

As a reminder, starting today, March 24, 2010, all applicants for nonimmigrant visas are required to complete the online application form, DS-160, prior to their interview; paper applications will no longer be accepted beginning March 24th. Application instructions and the DS-160 can both be found at our website, <http://kingston.usembassy.gov>.

Recap of the Summer Work and Travel Program

In the summer of 2009, we issued almost 4,000 J1 visas for Jamaican students to travel to the United States for exchange visitor programs, the majority of which were summer work and travel participants. This program is designed for foreign students who are enrolled in post-secondary institutions. The program allows students to work and travel in the United States during their summer vacations. Most participants typically work in non-skilled service positions at resorts, hotels, restaurants, and amusement parks. Summer internships in US businesses and other organizations (i.e., architecture, science research, graphic art/publishing and other media communication, advertising, computer software and electronics, and legal offices, etc.) are allowed. **However, the term of the internship may not exceed the four-month program duration, and must be completed during the student's summer vacation.** Please note that U.S. regulations limit the length of the visa to a maximum of four months, which must be during the applicant's summer break. Students should also note that they cannot apply for an extension of a J1 visa.

Qualifications

There are several qualifications that students must meet in order to qualify for the J1 visa summer work and travel program. First, the student must be enrolled in a bona fide post-secondary school in his or her home country and must be pursuing a

degree or full-time course of study at an accredited academic institution. It is important to note that vocational training does not qualify the student for a J1 summer work and travel program visa unless the student can demonstrate that it is a full-time course of study that results in an academic degree from an accredited institution.

Second, students should be aware of the details of their work and travel program. If students coordinate their program through an agent, the agent should provide the student with the name and location of the employer (also referred to as the sponsor) as well as information about the contractual obligations in terms of work duties, responsibilities, and hours of work. Students should also have an understanding of where they will reside in the United States during the program. The agent often assists in coordinating travel to and from the United States and may provide help with housing arrangements.

If students coordinate their placement in the program for themselves, their employer/sponsor should be verifying with the student that money is available to cover the cost of the trip to the United States, as well as housing expenses. In these situations, employers/sponsors should also provide the student with pre-departure information about how to confirm their employment and secure lodging. If employment is not confirmed before departure, or is no longer available when the student arrives in the United States, employers/sponsors are expected to make efforts to find employment for participants one week after their arrival.

In all cases, employers/sponsors are required to provide students with an orientation, the name and address of the contact person in the United States, and information about medical insurance coverage. Employers/sponsors are not required to pay for your medical coverage, but they must assure that you have it.

Although students are not required to have exact employment information when they come in for a visa interview, it is helpful in presenting their case and demonstrating qualifications for the visa. Students without confirmed employment must show that they have sufficient finances to cover their living expenses while they search for a position. In certain situations, students may know their employer but not an actual job title. These students should make efforts to get as much information as possible prior to their interview so that they can demonstrate to the

interviewing officer that they are knowledgeable of and pursuing more information on their upcoming work and travel.

There are some restrictions against use of the summer work and travel program. Specifically, summer work and travel applicants cannot be employed as domestic employees in U.S. households. Also, students cannot apply for a summer work and travel visa if they are required to invest their own money in the business or provide their own inventory for door-to-door sales.

Students, agents, and sponsors should monitor program dates. The program should be for no less than three weeks and no more than four months during the student's summer holiday. Students should also ensure that they return in time to attend the first day of classes after the summer holiday, **without exception**. If students re-apply for the program the following year, officers will review the student's return date to verify that students returned to their home country in time for classes.

Students should ensure that they bring the appropriate documents to their visa interview, including their application and passport. Most importantly, though, students should have a form DS-2019, which provides information on the summer work and travel program. This document should remain with your passport at all times. Students may also choose to bring a student ID card or transcript, though they are not required for the interview.

After receiving their visa, any summer work and travel participant should be aware of his or her rights while in the United States. We place a strong emphasis on ensuring that summer work and travel participants, and all other J1 visa holders, are treated fairly and according to U.S. laws and want these applicants to be aware of all of their rights. Visa holders have the right to:

- Be treated and paid fairly;
- Not be held at a job against their will;
- Keep their passport and other identification documents on their possession;
- Report abuse without retaliation;
- Request help from unions or immigrant and labor rights groups; and
- Seek justice in U.S. courts.

If summer work and travel participants, or other J1 visa holders feel that their rights are violated, they should contact the National Human Trafficking Resource Center in the United States at 1-888-373-7888. Note that these same rights apply to all foreign workers in the United States, including J1 visa holders, H visa holders, and foreign domestic employees.

The Five-Year J-1 Summer Work and Travel Visa

When students qualify for the J-1 visa and their visa is sent for printing, the dates on the visa should correspond with the dates on the DS-2019 (meaning that it is valid for no longer than four months, and should match the employment dates directly). A J-1 summer work and travel visa is only valid for the year in which the student applies. Rarely, a student may find that the validity of their visa was incorrectly entered; in this case, we encourage you to contact the Embassy at ConsularKingst@state.gov. Since the visa is issued for a specific summer and is tied to a matching DS-2019, you are not able to re-use a J-1 visa in a future year even if the expiration date might have been incorrectly printed. You can also not use a J-1 visa to enter the U.S. for personal travel, either before or after your